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| APPLICATION NO. | 1 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|----------------------|-------------|----------------------|------------------------|-------------------------|--|
| 10/727,709 | 7,709 12/04/2003 | | Zhenan Bao | BAO 39 | 6929 | |
| 47394 | 7590 | 02/14/2005 | • | EXAM | EXAMINER | |
| HITT GAI | NES, PC | | WILLE, DO | WILLE, DOUGLAS A | | |
| LUCENT TECHNOLOGIES INC. PO BOX 832570 | | | | ART UNIT | PAPER NUMBER | |
| | RICHARDSON, TX 75083 | | | 2814 | | |
| | | | | DATE MAILED: 02/14/200 | DATE MAILED: 02/14/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| • | | Application No. | Applicant(s) | | | |
|---|---|---|--|--|--|--|
| Office Action Summary | | 10/727,709 | BAO, ZHENAN | | | |
| | | Examiner | Art Unit | | | |
| | | Douglas A. Wille | 2814 | | | |
| Period fo | The MAILING DATE of this communication app or Reply | ears on the cover sheet with the c | orrespondence address | | | |
| THE - Exte after - If the - If NC - Failt Any | MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.15 SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). | | | |
| Status | | | | | | |
| 1)🖂 | Responsive to communication(s) filed on 04 De | ecember_2003. | | | | |
| | · · · · · · · · · · · · · · · · · · · | action is non-final. | | | | |
| 3)□ | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Disposit | ion of Claims | | | | | |
| 5) 6) 7) | Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-20 are subject to restriction and/or expressions. | vn from consideration. | | | | |
| Applicat | ion Papers | | | | | |
| 10) | The specification is objected to by the Examine The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex | epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj | e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d). | | | |
| Priority (| under 35 U.S.C. § 119 | | | | | |
| a) | Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau See the attached detailed Office action for a list | s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)). | on No ed in this National Stage | | | |
| Attachmen | nt(s) | | | | | |
| 2) Notice (3) Infor | ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: | | | | |

Application/Control Number: 10/727,709 Page 2

Art Unit: 2814

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 11, drawn to a device, classified in class 257, subclass 40.
 - II. Claims 12 20, drawn to a method, classified in class 438, subclass 99.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case The structure could be formed without expanding.
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Charles Gaines on 10 February 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 10/727,709

Art Unit: 2814

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Wille whose telephone number is (571) 272-1721. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas A. Wille Primary Examiner

Page 3